

UNITED STATES DISTRICT COURT
EASTERN DISTRICT OF MICHIGAN
SOUTHERN DIVISION

In re:

TRACEY ELAINE BLAIR,
A/K/A TRACEY ELAINE STEVENSON,

Debtor/Appellant,

Case No. 06-12244
HON. GEORGE CARAM STEEH

Bankruptcy Case No. 05-47009

ORDER DENYING LEAVE TO APPEAL

This is a motion for leave to appeal from an Order of the Eastern District of Michigan Bankruptcy Court, which denied debtor/appellant's motion to reopen her Chapter 7 case. Appellant filed her motion to reopen on April 19, 2006, and the Bankruptcy Court denied the motion on April 21, 2006. Appellant then filed her motion for leave to appeal on May 15, 2006.

An appeal from a order of a bankruptcy judge to a district court shall be taken by filing a notice of appeal within the time allowed. Bankr. Rule 8001(a). Rule 8002(a) provides that a notice of appeal shall be filed within 10 days of the date of the entry of the order appealed from. An appeal from an interlocutory order is taken by filing a notice of appeal accompanied by a motion for leave to appeal. Bankr. Rule 8001(b). The same 10 day period applies to motions for leave to appeal interlocutory orders. Id.

The Bankruptcy Court's order denying debtor/appellant's motion to reopen her Chapter 7 case is a final order from which an appeal as of right may be taken to the district court. The time for filing the notice of appeal in this case began on April 21, 2006

and ran on May 8, 2006. Bankr. Rule 9006(a). Appellant's notice of appeal was untimely filed on May 15, 2006. Appellant need not have filed a motion for leave to appeal, but such motion would also be considered untimely under the Bankruptcy Rules. Now, therefore,

IT IS HEREBY ORDERED that appellant's motion for leave to appeal is DENIED.

IT IS HEREBY FURTHER ORDERED that any appeal as of right is also denied as untimely.

s/George Caram Steeh

GEORGE CARAM STEEH

UNITED STATES DISTRICT JUDGE

Dated: June 13, 2006

CERTIFICATE OF SERVICE

Copies of this Order were served on the attorneys of record on June 13, 2006, by electronic and/or ordinary mail.

s/Josephine Chaffee

Secretary/Deputy Clerk